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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 CASEY JOSEPH CICERO,  
12 Petitioner,

No. 2:04-cv-2519-MCE-PAN-P

13 v.

ORDER

14 WILLIAM DUNCAN,  
15 Respondent.  
16 \_\_\_\_\_/

17 Petitioner, a state prisoner proceeding pro se, has filed this  
18 Application for a Writ of Habeas Corpus pursuant to 28 U.S.C.  
19 § 2254. The matter was referred to a United States Magistrate  
20 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order  
21 No. 262.

22 On November 29, 2005, the magistrate judge filed Findings and  
23 Recommendations herein which were served on all parties and which  
24 contained notice to all parties that any Objections to the Findings  
25 and Recommendations were to be filed within twenty (20) days.

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1 Petitioner has filed Objections to the Findings and  
2 Recommendations.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C)  
4 and Local Rule 72-304, this Court has conducted a de novo review of  
5 this case. Having carefully reviewed the entire file, the Court  
6 finds the Findings and Recommendations to be supported by the  
7 record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Findings and Recommendations filed November 29, 2005,  
10 are adopted in full; and

11 2. Respondent's July 11, 2005, Motion to Dismiss is granted;  
12 Claim 3 is dismissed with prejudice as time-barred and Claims 1, 2  
13 and 4 are dismissed as unexhausted.

14 DATE: December 30, 2005

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18 MORRISON C. ENGLAND, JR.  
19 UNITED STATES DISTRICT JUDGE  
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